

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR
MODIFICATION OF THE COURT'S MAY 16, 2006 PROTECTIVE ORDER**

PLEASE TAKE NOTICE that, upon the papers to be filed with the Court, Lead Plaintiff, by its counsel Berger & Montague, P.C., will move the Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time determined by the Court, for entry of an Order approving a modification of the Court's May 16, 2006 Protective Order to remove from the Protective Order Plaintiff's and Defendants' trial exhibits, all deposition transcripts, the preliminary and supplemental reports of Plaintiff's accounting and auditing expert witness Robert W. Berliner and the statement of Plaintiff's contentions contained in the Pretrial Order.

PLEASE TAKE FURTHER NOTICE that, Lead Plaintiff will rely upon the supporting Memorandum of Law and the Declaration of Carole Broderick and accompanying Exhibit filed herewith.

A proposed form of Order is submitted herewith.

Dated: June 27, 2007

BERGER & MONTAGE, P.C.

Carole Broderick

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